

Message Text

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ORIGIN SCS-05

INFO OCT-01 ISO-00 /006 R

DRAFTED BY CA/SCS; EMARNOLD;SJD
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FM SECSTATE WASHDC
TO AMCONSUL CEBU

UNCLAS STATE 253358

E.O. 11652: N/A

TAGS: CDES (JOHNSON, GUNNAR DANIEL)

SUBJECT: DISPOSITION OF EFFECTS

REF: CEBU 0084, 0087; STOCKHOLM 4117

1. CONOFF'S AUTHORITY TO SELL EFFECTS DEFINED BY STATUTE AND REGULATION. DEPT AGREES THAT CONOFF SHOULD TAKE STEPS TO SAFEGUARD DECEDENT'S PERSONAL PROPERTY NOT TAKEN INTO POSSESSION (22 CFR 72.29 (B) AND 7 FAM 445.1-2 (B). HOWEVER, PREMATURE SALE OF ASSETS OF ESTATE BEFORE CONSULTING LEGAL REPRESENTATIVE OF ESTATE OR SURVIVING NOK, (WHEN KNOWN) NOT RPT NOT AUTHORIZED BY REGULATION NOR ADVISABLE. VALUE OF BOAT DESCRIBED IN REFTELS APPEARS TO BE CONSIDERABLY IN EXCESS OF LOCAL DEBTS OF APPROX DOLS 850 REPORTED IN REFTELS.

2. DEPT ASSUMES CONOFF HAS INFORMED DECEDENT'S SISTER AND PRESUMED NOK RE BOAT AND OUTSTANDING HOSPITAL AND BURIAL EXPENSES. IF NOT, DEPT RECOMMENDS CONOFF FOLLOW PROCEDURES (7 FAM 445.7-2 AND 22 CFR 72.38 (B). IN ABSENCE OF WILL, CONOFF SHOULD OBTAIN DOCUMENTARY PROOF OF UNCLASSIFIED

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ENTITLEMENT TO ESTATE (7 FAM 446.2) FROM DECEDENT'S SISTER, MRS. DOROTHEA GUSTAFSSON (STOCKHOLM 4117), AND DETERMINE WHETHER SHE WILLING TO ADVANCE FUNDS NEEDED TO PAY

HOSPITAL AND BURIAL EXPENSES BEFORE PROCEEDING TO SELL DECEDENT'S BOAT. IF FUNDS NOT FORTHCOMING CONOFF SHOULD SEEK PERMISSION OF NOK TO AUCTION BOAT TO COVER LOCAL

DEBTS. HOWEVER, IN VIEW POST'S COMMENTS THAT BOAT NOT PROPERLY REGISTERED IN PHILIPPINES (PARA 4 CEBU 0084), CONOFF SHOULD EXERCISE CARE TO CONFORM TO APPLICABLE REGISTRATION AND CUSTOMS REQUIREMENTS IN ORDER THAT GOOD AND CLEAR TITLE MAY BE PASSED TO THE PURCHASER AND FAIR VALUE RECEIVED FOR BOAT. IN VIEW PROVISIONS 22 CFR 72.43 (7 FAM 446.1), CONOFF MAY WISH HAVE EXPERT APPRAISER EXAMINE BOAT BEFORE OFFERING IT FOR SALE.

3. HAS POST DETERMINED WHETHER OR NOT JOHNSON WAS RESIDENT IN PHILIPPINES AT TIME OF DEATH OR MAINTAINED RESIDENCE ELSEWHERE OUTSIDE U.S., PERHAPS HONG KONG? 1976 PPT APPLICATION SHOWS DECEDENT WAS RESIDING AT YMCA, SALSBURY ROAD, HONG KONG.

4. IN RESPONSE TO POST'S REQUEST, THE FOLLOWING INFO WAS OBTAINED FROM BANK OF AMERICA, POINT LOMA BRANCH: (1) DECEDENT MAINTAINED TWO ACCOUNTS, A "LOW FOUR FIGURE" CHECKING ACCOUNT AND A "ONE FIGURE" SAVINGS ACCOUNT. UNDER BANKING RULES, UPON PRESENTATION OF DEATH CERTIFICATE, NON-RELATIVE MAY WITHDRAW FOR BURIAL EXPENSES DOLS ONE HUNDRED, NOK A MAXIMUM OF DOLS 4500 AND SURVIVING SPOUSE DOLS 7500. BANK DID NOT RPT NOT RELEASE EXACT ACCOUNT BALANCES. (2) ILWU INFORMED DEPT OFFICER THAT NO RPT NO LUMP SUM DEATH BENEFIT PAYABLE; DECEDENT HAD DOLS 1000 LIFE INSURANCE POLICY PAYABLE TO NIECE IN UNCLASSIFIED

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SWEEDEN AND MEDICAL BENEFITS NOT RPT NOT PAYABLE OUTSIDE U.S. (3) SSA LUMP SUM DEATH BENEFIT PAYABLE TO PERSON WHO PAID BURIAL EXPENSES UPON PRESENTATION OF PROOF OF PAYMENT. SSA FORMS AVAILABLE FROM EMBASSY OR SSA. VANCE

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